

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**UNION SPRING TELEPHONE
COMPANY, INC.,**

Plaintiff,

V.

T-MOBILE USA, INC.,

Defendant.

EXHIBIT "A" TO
NOTICE OF REMOVAL



CORPORATION SERVICE COMPANY

Notice of Service of Process

SLM / ALL
Transmittal Number: 4448411
Date Processed: 04/25/2006

Primary Contact: SOP Scan - T-Mobile
SOP - PowerBrief - Wilmington
Sop - Scan
Suite 400 2711 Centerville Road
Wilmington, DE 19808

Entity:	T-Mobile USA, Inc. Entity ID Number 1951208
Entity Served:	T-Mobile USA, Inc.
Title of Action:	Union Springs Telephone Company, Inc. vs. T-Mobile USA, Inc.
Document(s) Type:	Summons/Complaint
Nature of Action:	Contract
Court:	Circuit Court of Bullock County, Alabama
Case Number:	CV-06-40
Jurisdiction Served:	Alabama
Date Served on CSC:	04/25/2006
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Certified Mail
Plaintiff's Attorney:	Mark D. Wilkerson 334-265-1500

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

State of Alabama Unified Judicial System Form C-34 Rev 6/88	<h2 style="margin: 0;">SUMMONS</h2> <h3 style="margin: 0;">- CIVIL -</h3>	Case Number <div style="font-size: 1.5em; font-family: cursive;">CV-06-40</div>
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IN THE _____ CIRCUIT _____ COURT OF _____ BULLOCK _____ COUNTY

Plaintiff UNION SPRINGS TELEPHONE COMPANY, INC. v. Defendant T-MOBILE USA, INC.

NOTICE TO T-MOBILE USA, INC., c/o CSC Lawyers Incorporating Service, Inc., 150 South Perry Street, Montgomery, Alabama 36104

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY _____ MARK D. WILKERSON _____ WHOSE ADDRESS IS _____ 405 South Hull Street, Montgomery, Alabama 36104

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☒ Service by certified mail of this summons is initiated upon the written request of _____ Union Springs Telephone Company, Inc. _____ pursuant to the Alabama Rules of Civil Procedure.

Date 4/20/06 _____ *Wilbert M. Gernigan* By: *RMF*
 Clerk/Register

☒ Certified Mail is hereby requested. _____
 Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____ (Date)

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____ in _____ County, Alabama on _____ (Date)

Date _____

Address of Server _____

Server's Signature _____

Type of Process Server _____

IN THE CIRCUIT COURT OF
BULLOCK COUNTY, ALABAMA

FILED IN OFFICE

APR 20 2006

CLERK-REGISTER, BULLOCK CO., ALA.

UNION SPRINGS TELEPHONE)
COMPANY, INC., an Alabama corporation,)

Plaintiff,)

vs.)

Case No. CV-06-40

T-MOBILE USA, INC., a Delaware corporation)
doing business in Alabama; Defendants A, B, C)
and/or D, both singular and plural, being those)
persons, firms, partnerships, corporations or)
other entities who held an interest in, or)
operated, T-Mobile USA, Inc.; all whose names)
are unknown at this time but will be substituted)
by amendment when ascertained,)

Defendants,)

COMPLAINT

COMES NOW Union Springs Telephone Company, Inc. (hereinafter "USTC"), and for its complaint against the Defendant, T-Mobile USA, Inc. (hereinafter "T-Mobile"), described herein, states as follows:

PARTIES

1. Plaintiff, USTC, is an Alabama corporation doing business in the State of Alabama.
2. Defendant T-Mobile is a Delaware corporation doing business in the State of Alabama at all times material to the allegations made the basis of this complaint.

JURISDICTION AND VENUE

3. The Court has jurisdiction of the subject matter of this proceeding pursuant to ALA. CODE § 12-11-2 (1975 as amended). Venue is proper in this Court pursuant to ALA. R. CIV. P. 82(c) and ALA. CODE § 6-3-7 (1975 as amended).

FACTUAL AVERMENTS

4. USTC is a local exchange company providing telephone service to residential and business customers in Bullock County, Alabama. USTC also terminates to its customers third-party traffic that is delivered to it by BellSouth, including traffic originating with T-Mobile's network. Historically, BellSouth paid USTC for its costs for terminating such traffic pursuant to Alabama Public Service Commission ("APSC") approved arrangements. Over the last five years, BellSouth has terminated its payments to USTC as it has executed new agreements with third parties calling for what in the telephone industry is called "meet point" billing. Under such agreements, BellSouth disclaims responsibility to pay "downstream" incumbent telephone companies such as USTC for its costs for terminating such third-party traffic and places such responsibility on the third party. The effective date of this change is commonly called the "meet point billing date".

5. The "meet point billing date" for traffic delivered by T-Mobile to BellSouth was July 23, 2004. On that date, BellSouth quit paying USTC for terminating the T-Mobile originated traffic that it delivered to USTC for termination.

6. The termination of BellSouth's payments to USTC, as well as the obligations of third parties, such as T-Mobile, have been the subject of extensive regulatory proceedings at the APSC. On February 24, 2006, the APSC ordered T-Mobile to pay USTC, among others, from the "meet point billing date to April 29, 2005 based on USTC's APSC approved tariffs:

The practical result of our decision herein is that T-Mobile must compensate the petitioning ILECs in accordance with the applicable tariff provisions for all T-Mobile indirect, intraMTA mobile-to-land traffic terminated by the ILECs from the date of T-Mobile's meet point billing conversion with BellSouth through April 29, 2005.

Order of Alabama Public Service Commission at 11, *In re: Request for a Declaratory Ruling*

Upholding the Applicability of Tariff Provisions Governing Compensation for Indirect CMRS Traffic, Docket 28988, (APSC Feb. 24, 2006).

7. The principal amount of all billing owed by T-Mobile pursuant to the February 24, 2006 Order is \$28,129.86. Consistent with the Order, USTC billed T-Mobile for all such traffic on March 3, 2006. USTC also provided T-Mobile with additional information confirming the minutes of use supporting the bills on or about March 27, 2006. T-Mobile has failed to pay the amounts owed to USTC, despite written demand by USTC.

COUNT I

FAILURE TO PAY OBLIGATIONS ESTABLISHED BY TARIFF

8. USTC realleges and incorporates by reference the averments in paragraphs 1 through 7 above as if fully set forth herein.

9. The APSC has affirmed that, in the absence of a superseding agreement, T-Mobile is obligated to pay USTC for all traffic from its meet point billing date through April 29, 2005 based on its tariffed rates.

10. T-Mobile has failed to pay the amounts owed by it to USTC.

WHEREFORE, THESE PREMISES CONSIDERED, USTC respectfully requests judgment against the Defendant for the respective amounts described in paragraph 7 of this Complaint plus interest, costs of collection, including reasonable attorneys' fees, and court costs.

COUNT II

ACCOUNT STATED

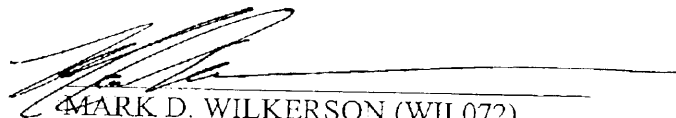
11. USTC realleges and incorporates by reference the averments in paragraphs 1 through 10 above as if fully set forth herein.

12. USTC has provided to T-Mobile invoices for the amounts payable by T-Mobile to USTC.

13. T-Mobile has failed to pay the amounts owed by it to USTC.

WHEREFORE, THESE PREMISES CONSIDERED, USTC respectfully requests judgment against the Defendant for the respective amounts described in paragraph 7 of this Complaint plus interest, costs of collection, including reasonable attorneys' fees, and court costs.

Respectfully submitted this the 19th day of April, 2006.



MARK D. WILKERSON (WIL072)
AMANDA C. CARTER (CAR116)
DANA H. BILLINGSLEY (BIL012)
Attorneys for Union Springs Telephone
Company, Inc.

OF COUNSEL:

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405 South Hull Street
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Telephone: (334) 265-1500
Facsimile: (334) 265-0319

Defendant may be served at the following address:

T-Mobile USA, Inc.
c/o CSC Lawyers Incorporating Service, Inc.
150 South Perry Street
Montgomery, Alabama 36104

hile Wilbert M. Jernigan
t Clerk, Bullock County
rairie Street
gs, Alabama 36089



T-Mobile USA, Inc.
c/o CSC Lawyers Incorporating Service, Inc.
150 South Perry Street
Montgomery, Alabama 36104